

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

URB, INC.)	
)	Plaintiff,
v.)	
)	Civil Action No. 08 C 582
STARTREHAB, INC., ROBERT)	
BINGHAM and GREGORY BINGHAM,)	
Individually,)	
)	Judge Joan B. Gottschall
Defendants.)	
)	Magistrate Judge Geraldine Soat Brown
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PIONEER SERVICES, LLC and)	
7303 INCORPORATED)	
d/b/a START REHAB, INC.)	
)	Third party plaintiffs,
v.)	
URB, INC., XEZ, INC., and)	
ANTHONY URBANOWSKI,)	
)	Third party defendants.

**THIRD PARTY PLAINTIFFS' MOTION FOR LEAVE
TO FILE AMENDED THIRD PARTY CLAIM**

Third Party Plaintiffs, Pioneer Services, LLC and 7303 Incorporated d/b/a Start Rehab, Inc. (“Third Party Plaintiffs”), by their counsel, Catherine Simmons-Gill, Offices of Catherine Simmons-Gill, LLC, respectfully request this Court’s leave to file their Amended Third Party Claim of Related Parties (“Third Party Claim”) and, in support of their motion, state as follows:

1. On January 25, 2008, Plaintiff, Urb, Inc. (“Plaintiff”), filed a Complaint against defendants StartRehab, Inc., Robert Bingham and Gregory Bingham, alleging trademark infringement, unfair competition, unjust enrichment, deceptive practices and breach of oral contract and seeking injunctive relief and award of damages (Dkt # 1).
2. On April 15, 2008, Third Party Plaintiffs filed their Third Party Claim (Dkt # 21).

3. On May 12, 2008, third party defendants file their Motion to Dismiss the Third Party Complaint for Failure to State a Claim and Plead Fraud with Particularity (Dkt #30).
4. Per the order of this Court dated May 15, 2008, Third Party Plaintiffs' response to the Motion to Dismiss is due today, June 12, 2008 (Dkt #33).
5. Rather than file a response to the Motion to Dismiss, Third Party Plaintiffs request leave of this Court to file an Amended Third Party Claim, a copy of which is attached as Exhibit A to this Motion.
6. Third Party Defendants have not filed a responsive pleading and therefore the Amended Third Party Claim may not even technically require leave of Court or the opposing parties' written consent pursuant to Fed.R.Civ.P. Rule 15(a)(1).
7. Discovery has not yet commenced in this case.
8. None of the parties to this lawsuit will be prejudiced by the filing of the Amended Third Party Claim.

WHEREFORE, Third Party Plaintiffs respectfully request this Honorable Court for leave to file the Amended Third Party Claim of Related Parties and provide any other such and further relief as this Honorable Court deems just and appropriate.

Respectfully Submitted,

June 12, 2008

By: /s/Catherine Simmons-Gill
Third Party Plaintiffs' Attorney

Catherine Simmons-Gill, Esq.
Offices of Catherine Simmons-Gill
221 North LaSalle Street
Suite 2036
Chicago, IL 60601
Tel: 312 609 6611
ARDC Number 2159058